REMARKS

Claims 1-2, 4-11 and 13-20 are pending. Claims 3 and 12 are cancelled without prejudice or disclaimer and claims 1 and 11 are amended. In particular, claims 1 and 11 have been amended to recite a copolymer of acrylates comprising carboxyl, hydroxyl, amide, glycidyl, carbonyl, N-methylol, N-alkoxymethyl, amino and/or hydrazo groups. Basis for the amendments can be found in claims 3 and 12. Accordingly, as mentioned above, claims 3 and 12 are cancelled without prejudice or disclaimer. The amendments to t he claims do not introduce any new matter.

Claims 1-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over US Patent No. 6,551,702 to Bidermann et al. (hereinafter referred to as Bidermann) in view of EP 0,368,215 to Hitzehartbare (hereinafter referred to as Hitzehartbare).

The instant rejection is improper and/or overcome because: (1) motivation to combine the applied references does not exist; (2) evidence of unexpected results is provided; and (3) independent claims 1 and 11 have been amended to include additional recitations.

First, one of ordinary skill in the art would not be motivated to combine Bidermann with Hitzehartbare because each invention is drawn to solving different problems. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings. *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006); MPEP 2143.01. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); MPEP 2143.01.

The instant rejection alleges that one of ordinary skill in the art would be motivated to combine the references "since such would optimize properties of such composition," yet no explanation as to what properties would be optimized and/or how said properties are optimized is provided and no source of motivation has been identified in either of the references or by the knowledge generally available to one of ordinary skill in the art.

The references are drawn to solving different problems. Bidermann is drawn to melamine-formaldehyde resins for coating wood-based materials (see column 1 lines 7-11).

Hitzehartbare is drawn to etherified melamine-formaldehyde resins exhibiting improved storing capability and the emission of formaldehyde. Neither reference suggests improved flexibility and/or the ability to coat three-dimensional structures with the instant combination and therefore a prima facie case of obviousness has not been established and the rejection should be withdrawn.

Second, although a prima facie case of obviousness has not been established, the unique combination of the instant invention affords unexpected results. In a side-by-side comparison, Bidermann et al. (the closest prior art) did not exhibit the improved flexibility and elasticity of the instant combination and was inappropriate for covering three-dimensional surfaces.

The synthetic resin fiber sheets of Bidermann et al. contained:

(i) melamine-formaldehyde condensate, and
(iii) melamine resin dispersion.

The synthetic resin fiber sheets of applicants contained:

(i) melamine-formaldehyde condensate,
(ii) etherified melamine-formaldehyde condensate, and
(iii) acrylate resin dispersion

The synthetic resin fiber sheets of Bidermann et al. did not cover the three-dimensional surface fully and the paper tore. Applicants' synthetic resin fiber sheets, however, completely covered the three-dimensional object without incident. See the photographs contained in Exhibit 1, which is included herewith. Applicants are willing to provide these statements in declaration form if deemed necessary by the examiner.

Finally, independent claims 1 and 11 have been amended to incorporate the recitations of claim 3 into claim 1 and the recitations of claim 12 into claim 11 so that the polymer dispersions of (iii) comprise copolymers of acrylates comprising carboxyl, hydroxyl, amide, glycidyl, carbonyl, N-methylol, N-alkoxymethyl, amino and/or hydrazo groups. Bidermann, the primary reference used in the 35 U.S.C. §103(a) rejection, does not teach etherified melamine-formaldehyde condensate nor does it suggest using copolymers of acrylates as dispersions. To make a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143. Thus, even if the combination of

Bidermann and Hitzehartbare were proper, the combined references do not provide all of the claimed limitation (i.e. copolymers of acrylates used as dispersions) and therefore the rejection fails.

In view of the above response, applicant believes the pending application is in condition for allowance.

In the event the Examiner believes that an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00110-US from which the undersigned is authorized to draw.

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